Amended **SECOND AMENDED ORDINANCE NO. 2009 – 20**

AN ORDINANCE AMENDING SECTION 8.08.140 AND ENACTING A NEW ARTICLE, SECTIONS 8.08.800 - .890, OF THE CITY OF LAFAYETTE MUNICIPAL CODE PROVIDING FOR A STORMWATER SERVICE CHARGE IN THE CITY OF LAFAYETTE, INDIANA

WHEREAS, the General Assembly of the State of Indiana has made the determination that management of surface water and stormwater is a primary concern of the State of Indiana and its political subdivisions; and

WHEREAS, stormwater and surface water control and management is an important function for the City of Lafayette (the "City"); and

WHEREAS, the Indiana Department of Environmental Management has promulgated 327 IAC 15-13, which imposes stormwater requirements on municipalities such as the City; and

WHEREAS, the City has adopted Chapter 8.08 of the City of Lafayette Municipal Code to regulate stormwater discharges within the City (the "Stormwater Code"); and

WHEREAS, pursuant to Section 8.08.150 of the Stormwater Code, the Water Pollution Control Department (the "Department"), by and through its Division of Stormwater Management and acting under the Board of Works maintains and operates the City's stormwater system (the "System") and administers, implements, and enforces the Stormwater Code; and

WHEREAS, in accordance with and pursuant to Indiana Code 36-9-23 (the "Act"), the Common Council desires to establish a distinct just and equitable schedule of service charges for the users of the System; and

WHEREAS, the City's engineering consultant has prepared a study (the "Engineering Study") for the purpose of determining the appropriate equivalent residential unit (an "ERU"), the probable number of ERUs in the System, ongoing operational and maintenance needs regulatory requirements and the projects necessary for the System; and

WHEREAS, the City's financial advisor has prepared a financial study (the "Financial Study") for the purpose of determining just and equitable rates and charges for the rendering of stormwater service to users of the System; and

WHEREAS, the Financial Study uses the ERU determination, the number of ERUs in the System, ongoing operational and maintenance needs, regulatory requirements and the projects identified in the Engineering Study as a basis for determining just and equitable rates and charges for stormwater service; and

WHEREAS, the Financial Study recommends a schedule of rates and charges for stormwater service (the "Stormwater Service Charges"); and

WHEREAS, the City's Board of Works and Common Council have reviewed the Engineering Study and have found it to recommend reasonably the appropriate ERU, the number of ERUs in the System, ongoing operational and maintenance needs, regulatory requirements and the projects necessary for the System; and

WHEREAS, the City's Board of Works and Common Council have reviewed the Financial Study and have found the Stormwater Service Charges recommended therein to be just and equitable; and

WHEREAS, the Stormwater Service Charges will help the City maintain and operate the System; plan, design, fund and construct projects necessary for the System; implement the programs necessary to provide the safe and efficient conveyance of stormwater; and begin an inspection and maintenance program of the City's stormwater infrastructure; and

WHEREAS, the Stormwater Service Charges allocate the cost of providing stormwater service to each user of the System so that the charges assessed are just and equitable and reasonably related to the costs of providing stormwater service; and

WHEREAS, the abbreviation "ERU" and the definitions of "Development", "Dwelling Unit", "Equivalent Residential Unit", "Residential Property", "Non-Residential Property" and "Stormwater Service Charge" need to be added to the Stormwater Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

Section 1. To add the abbreviation "ERU" and the definitions of "Development", "Dwelling Unit", "Equivalent Residential Unit", "Residential Property", "Non-Residential Property" and "Stormwater Service Charge" and to amend the definition of "Impervious Surface" into the Stormwater Code, the City of Lafayette Municipal Code Section 8.08.140 is amended by deleting the existing text in its entirety and inserting the text as set forth in Appendix A attached hereto and made a part hereof.

Section 2. The City of Lafayette Municipal Code shall be amended by adding "Article VIII. Stormwater Service Charges" to Chapter 8.08.

Section 3. The City of Lafayette Municipal Code shall be amended by adding the following Sections to Chapter 8.08:

8.08.800 – Imposition of Stormwater Service Charges; Rights and Responsibilities of Property Owner

A Stormwater Service Charge shall be imposed on each and every lot and parcel of land within the City that directly or indirectly contributes to the City's Stormwater Drainage System, and the Stormwater Service Charge shall be assessed against the property owner thereof, who shall be considered the user for purposes of this chapter. This Stormwater Service Charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Stormwater Drainage System. Stormwater Service Charges shall be the ultimate responsibility of the property owner, including all penalties, recording fees, attorneys' fees, interest, court costs and other costs, as applicable. The Department shall develop and promulgate policies and procedures to make determinations whether commonly-owned, adjoining properties with separate plat or legal descriptions should be treated as a single parcel of land for purposes of calculating the Stormwater Service Charge for such properties.

8.08.810 – Design of Stormwater Service Charge

The Stormwater Service Charge is designed to recover the cost of rendering stormwater service to the users of the Stormwater Drainage System, and shall be the basis for assessment of the Stormwater Service Charge. The Stormwater Service Charge is established to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

8.08.820 – Stormwater Service Charge for Residential Property

The Stormwater Service Charge for a Residential Property shall be ~~Five Dollars ($5.00)~~ *Four Dollars ($4.00)* per ERU per month *for the year 2010, increasing to Five Dollars ($5.00) per ERU per month in 2011 and subsequent years.*

8.08.830 – Stormwater Service Charge for Non-Residential Property

The Stormwater Service Charge for a Non-Residential Property shall be assessed on a monthly basis based on the impervious surface area of such property. The square footage of the impervious surface area on a Non-Residential Property shall be divided by 3,200 square feet (i.e., one (1) ERU), and the resulting ERU multiple shall be rounded in accordance with Section 8.08.840. A developed Non-Residential Property shall not have an ERU multiple of less than one (1). The resulting ERU multiple shall then be multiplied by Five Dollars ($5.00) to determine the applicable monthly Stormwater Service Charge for the Non-Residential Property. Notwithstanding the foregoing, public rights-of-way and railroad rights-of-way shall be exempt from the Stormwater Service Charge.

8.08.840 – Rounding of ERU and Stormwater Service Charges

ERU multiples shall be rounded to the nearest tenth. The monthly Stormwater Service Charges shall be rounded to the nearest whole cent.

8.08.850 – Payment and Collection

A) Terms of Payment: The Stormwater Service Charges described in Section 8.08.820 and Section 8.08.830 shall be due on the payment date set out on the bill. Stormwater Service Charges shall be billed semi-annually. It shall be a violation of this chapter to fail to pay a bill for stormwater service when due. All bills for stormwater services not paid on or before the due date, shall be subject to a collection or deferred payment charge of 10% on the outstanding balance. Moving from one location to another in no way absolves the user from responsibility for any unpaid charges incurred at a previous location.

B) Bad Check Charge: Checks returned for insufficient funds will be subject to reimbursement of the fee the banking institution charges the City and an administrative charge to be established by the Department not in excess of the amount provided in IC 35-43-5-5(e). A customer submitting a bad check may be prohibited from making future Stormwater Service Charge payments by check.

C) Collection: Delinquent Stormwater Service Charges constitute a lien against the property and may be collected, along with applied penalties, recording fees and service charges, in accordance with the provisions of IC 36-9-23-32 and -33, as amended from time to time. Delinquent Stormwater Service Charges may also be collected in a civil action along with reasonable attorneys' fees and court costs.

8.08.860 – Alternate Stormwater Service Charge for Qualifying Non-Residential Property

There shall be an alternate monthly Stormwater Service Charge for stormwater discharges made directly to a watercourse by any Non-Residential Property to which (i) a Rule 6 and/or Rule 13 permit issued by IDEM and/or (ii) an NPDES permit, applies, as follows:

A) For stormwater discharges made directly to a watercourse within the City, the monthly Stormwater Service Charge for such Non-Residential Property shall be calculated by multiplying the ERU multiple, as determined in accordance with Section 8.08.830, by Two Dollars and 50/100 ($2.50).

B) For stormwater discharges made directly to a watercourse outside the City, the monthly Stormwater Service Charge for such Non-Residential Property shall be calculated by multiplying the ERU multiple, as determined in accordance with Section 8.08.830, by One Dollar and 54/100 ($1.54).

The foregoing alternate monthly Stormwater Service Charge shall apply only to that portion of a Non-Residential Property specifically covered by the permit(s) referenced above. For any portion of a Non-Residential Property not specifically covered by the permit(s) referenced above, the monthly Stormwater Service Charge for such portion of such Non-Residential Property shall be as provided Section 8.08.830.

To qualify for the foregoing alternate Stormwater Service Charge, a Non-Residential Property owner shall provide the following information to the City: (i) specific permit certification(s); (ii) annual permit compliance reporting documentation demonstrating that a Non-Residential Property is in good standing with permit conditions and in full compliance with permit requirements; and (iii) a map of the facility illustrating the permitted discharge point at the watercourse. Subsequent permit compliance reports shall be submitted by a Non-Residential Property owner on an agreed anniversary date filed with the City. Continued permit compliance is a basis for qualification to be eligible for the alternate monthly Stormwater Service Charge set forth in this Section 8.08.860.

8.08.870 – Reserved

8.08.880 – Appeals of ERU Determination

If, in the opinion of any property owner, the ERU multiple assigned to the property of such owner is inaccurate, such property owner shall have the right to contest such ERU determination. The Department shall develop and promulgate policies and procedures to resolve any such contests, including, as determined necessary, the conducting of hearings and the making of determinations with respect to the measurement of impervious surface area contained on any property.

8.08.890 – Stormwater Revenue Fund

All revenues earned and Stormwater Service Charges collected for stormwater service, including but not limited to drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of Lafayette Stormwater Revenue Fund" and shall be subject to the provisions of IC 36-9-23, as amended from time to time. Disbursements from the Stormwater Revenue Fund shall be authorized by the Board of Works and, as required by law, by the Common Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this account shall not revert to any other City utilities or the General Fund of the City and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the City issued pursuant to the provisions of IC 36-9-23, as amended from time to time, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds.

(End of Section 3)

Section 4. The actions of the City's, the Board of Works', the Department's and the Division's staff working under the provisions of this Ordinance are to be deemed in accordance with the City's policy.

Section 5. Any current City, Board of Works, Department or Division policy in effect contrary to the provisions of this Ordinance shall be deemed void. Any portion of this Ordinance that may later be deemed invalid shall not affect the remaining provisions.

Section 6. This Ordinance shall become effective on January 1, 2010 and after proper publication in accordance with Indiana law. All ordinances or parts thereof in conflict herewith are hereby ordered repealed.

Section 7. *This Ordinance shall automatically expire and terminate on October 5, 2023.*

PASSED AND ADOPTED by the Common Council of the City of Lafayette, Indiana this 5th day of October, 2009.

COMMON COUNCIL OF THE
CITY OF LAFAYETTE, INDIANA

, President

ATTEST:

Cindy L. Murray, City Clerk

Presented by me, the undersigned City Clerk of the City of Lafayette, Indiana, to the Mayor of said City for his approval on the 5th day of October, 2009, at 7 o'clock p.m.

Cindy L. Murray, City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Lafayette, approve said Ordinance and return the same to the City Clerk of the City of Lafayette, Indiana this 5th day of October, 2009.

Tony M. Roswarski, Mayor

Sponsored by Edward Chosnek, City Attorney

Appendix A

8.08.140 ABBREVIATIONS AND DEFINITIONS

For the purpose of this code, the following abbreviations shall apply:

Abbreviations

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
ERU	Equivalent Residential Unit
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture

For the purpose of this code, the following definitions shall apply:

DEFINITIONS

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

Channel. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Constructed Wetland. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

Construction Activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction Site Access. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Contour. An imaginary line on the surface of the earth connecting points of the same elevation.

Contractor or Subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

Cross Section. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Dechlorinated Swimming Pool Discharge. Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Detention. Managing stormwater runoff by temporary holding and controlled release.

Detention Basin. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

Detention Storage. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

Detritus. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

Developer. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Development. Any improvement or change to a property brought about by human activity, including but not limited to: buildings and other structures, mining, dredging, grading, paving, excavation or drilling operations. The term does not include public roads.

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Disposal. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

Ditch. A man-made, open drainageway in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

Drainage. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see natural drainage.

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

Drainageway. A natural or artificial stream, closed conduit, or depression that carries surface water. This term is used as a neutral term applying to all types of drains and watercourses, whether man-made or natural.

Duration. The time period of a rainfall event.

Dwelling Unit. A building or structure, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by local, state and federal code, for not more than one (1) family or congregate resident for sixteen (16) or fewer persons.

Environment. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Equivalent Residential Unit. One (1) equivalent residential unit shall equal 3,200 square feet of impervious surface area, which shall be considered the average impervious surface area for a Residential Property.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated Erosion* --Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man;
- *Channel Erosion* --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel;
- *Gully Erosion* --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from one to two ft. to as much as seventy-five (75) to one hundred (100) ft;
- *Rill Erosion* --An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see rill);
- *Splash Erosion* --The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff;
- *Sheet Erosion* --The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and Sediment Control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Filter Strip. Usually a long, relatively narrow area (usually, twenty (20) to seventy-five (75) feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Flood (or Flood Waters). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Floodplain. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or one hundred (100) year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Footing Drain. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Gasoline Outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance; (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit; (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

Grading. The cutting and filling of the land surface to a desired slope or elevation.

Grass. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

Groundwater. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

Habitat. The environment in which the life needs of a plant or animal are supplied.

Highly Erodible Land (HEL). Land that has an erodibility index of eight or more. Within the Tippecanoe MS4 area, the following soils are listed as highly erodible or potentially highly erodible.

- Coloma (CrC)
- Crosby (CwB2)
- Desker (DmC2, DoC2, DpD2)
- Kalamazoo (KaB2, KbB2, KcB2, KcC2)
- Kosciusko (KoD2, KpC3)
- Lauramie (LnB2)
- Longlois (LvB2, LwB2)
- Miami (MsC2, MsD2, MtC3, MtD3)
- Octagon (OmB2, OmC2, OpC3)
- Rainsville (RaB2)
- Richardville (RdB2, RdC2)
- Rodman (RsF)
- Spinks (StC)
- Strawn (SyF)
- Toronto (TnB2)

Hydrologic Unit Code. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge. Any discharge, excluding water discharged for firefighting and fire protection, to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

Impaired Waters. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters. Within the Tippecanoe MS4 area, the following waters are considered impaired:

- Elliot Ditch;
- Wabash River;
- Wea Creek;
- Wildcat Creek;
- South Fork Wildcat Creek.

Impervious Surface. A surface, such as pavement, rooftops, compacted gravels and other structures, which prevents the infiltration of stormwater into the soil.

Individual Building Lot. A single parcel of land within a multi-parcel development.

Individual Lot Operator. A contractor or subcontractor working on an individual lot.

Individual Lot Owner. A person who has financial control of construction activities for an individual lot.

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet. An opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

Land Surveyor. A person licensed under the laws of the state of Indiana to practice land surveying.

Larger Common Plan of Development or Sale. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Measurable Storm Event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Mulch. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewers. An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and (5) is not part of a publicly owned treatment works (POTW).

National Pollutant Discharge Elimination System. A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage. The flow patterns of stormwater run-off over the land in its pre-development state.

Non-Residential Property. A parcel or property that is not a Residential Property.

Nutrient(s). (1) A substance necessary for the growth and reproduction of organisms; (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

Open Drain. A natural watercourse or constructed open channel that conveys drainage water.

Open Space. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

Outlet. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Outstanding Waters. Waters known for their scenic beauty and recreational opportunities. Within the Tippecanoe MS4 area, these include:

- The Wabash River Heritage Corridor;
- Wildcat Creek;
- The Middle Fork of Wildcat Creek;
- The South Fork of Wildcat.

Permanent Stabilization. The establishment, at a uniform density of seventy (70) percent across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Pervious. Allowing infiltration of water.

Point Source. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

Professional Engineer. A person licensed under the laws of the state of Indiana to practice professional engineering.

Project Site. The entire area on which construction activity is to be performed.

Project Site Owner. The person required to submit a stormwater permit application associated with land disturbing activities, and required to comply with the terms of this code, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Recreational Waters. Most recreational activities within the MS4 area revolve around five waterways:

- Burnett Creek;
- Wabash River;
- North Fork Wildcat Creek;
- South Fork Wildcat Creek;
- Wildcat Creek, mainstem.

Redevelopment. Alterations of a property that change a site or building in such a way that there is disturbances of one acre or more of land. The term does not include such activities as exterior remodeling.

Refueling Area. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

Regulatory Flood. The discharge or elevation associated with the one hundred (100) year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood."

Regulatory Floodway. See floodway.

Release Rate. The amount of stormwater released from a stormwater control facility per unit of time.

Reservoir. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Residential Property. A parcel or property containing a single building or structure intended for sleeping purposes and containing not more than two (2) Dwelling Units.

Retention. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention Basin. A type of storage practice, that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of one hundred (100) years has a one percent probability of being equaled or exceeded in any one year.

Riparian Zone. Areas on and adjacent to the banks of a stream, river, or pond, through which surface and subsurface hydrology connect waterbodies with their adjacent uplands.

Riparian Habitat. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A

coefficient of 0.5 implies that fifty (50) percent of the rain falling on a given surface appears as stormwater runoff.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Site. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and width (W) components for horizontal angles). Also note that according to international standards (metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this code follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parenthesis--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as (100*V/H) --e.g., a 2:1 (1V:2H) slope is a fifty (50) percent slope.

Soil. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District. A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

Solid Waste. Any garbage, refuse, debris, or other discarded material.

Spill. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

Storm Duration. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a ten (10) yr. frequency, twenty-four (24) hr. duration storm event

is a storm that has a ten (10) percent probability of occurring in any one year. Precipitation is measured over a twenty-four hr. period.

Storm Sewer. A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater. Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Drainage System. All natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure. A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Stormwater Service Charge. The charge imposed by Section 8.08.800.

Strip Development. A multi-lot project where building lots front on an existing road.

Subdivision. Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subsurface Drain. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

Surface Runoff. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other

non-erosive material applied at a uniform density of seventy (70) percent across the disturbed area.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Urbanization. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

Water Quality. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources. The supply of groundwater and surface water in a given area.

Waterbody. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area. All land and water within the confines of a drainage divide. See also watershed.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.